

**JUL 31 2006**

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**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

ERIC JOHN HASELTON,

Petitioner - Appellant,

v.

CLAUDE FINN, Warden,

Respondent - Appellee.

No. 05-16892

D.C. No. CV-01-00903-GEB

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, District Judge, Presiding

Submitted July 27, 2006<sup>\*\*</sup>  
San Francisco, California

Before: T.G. NELSON, SILVERMAN, and RAWLINSON, Circuit Judges.

Eric John Haselton (Haselton) fails to demonstrate that “an actual conflict of interest adversely affected his lawyer’s performance.” *Earp v. Ornoski*, 431 F.3d 1158, 1183 (9th Cir. 2005), *as amended* (citation omitted).

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court properly denied Haselton's habeas petition, as the California Court of Appeal's finding of no actual conflict was not contrary to or an unreasonable application of federal law. *See Lambert v. Blodgett*, 393 F.3d 943, 986 (9th Cir. 2004) (explaining that the United States Supreme Court has never held that joint representation of criminal co-defendants automatically constitutes ineffective assistance of counsel).

**AFFIRMED.**